

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Henri Daniel Schnurmann **Examiner:** Beth Van Doren

Serial No: 09/873,173 **Group:** Art Unit 3623

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For: A BUSINESS PROVIDING A SERVICE BY CROSS-REFERENCING A POSTAL ADDRESS TO A LOCATION PROVIDED BY A POSITION LOCATOR

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Alexandria, VA 22313-1450

APPEAL BRIEF

Appeal from Group 3623

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 Crossways Park North, Suite 210
Woodbury, NY 11797
Tel: (516) 496-3868
Fax: (516) 496-3869

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This Appeal is from a Final Office Action mailed on October 4, 2007 (referred to as the “Final Action”). This Appeal was commenced by a Notice of Appeal filed on January 2, 2008. and Appellants hereby submit this Appeal Brief in furtherance of the Appeal.

I. REAL PARTY IN INTEREST

The real party in interest for the above-identified application is International Business Machines Corporation, the assignee of the entire right, title and interest in and to the subject application by virtue of an assignment recorded with the U.S. Patent and Trademark Office on June 1, 2001 at Reel/Frame 011892/0801.

II. RELATED APPEALS AND INTERFERENCES

There are no Appeals or Interferences known to Applicant, Applicant’s representatives or the Assignee, which would directly affect or be indirectly affected by or have a bearing on the Board’s decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1-7, 10-18 and 22-31 are pending, stand rejected and are under appeal. The claims are set forth in the attached Appendix.

IV. STATUS OF AMENDMENTS

No After Final Amendments have been filed in this case.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the claimed inventions are directed to a system and method for correlating a client pin number directly to terrestrial coordinates corresponding to a postal address of the client. An 'address' database is provided which includes at least postal addresses and terrestrial coordinates for each client. Customized service is determined via the interrogation of a 'service' database and the appropriate, individualized service is provided to the client by the nearest delivery vehicle to the client at the determined terrestrial coordinates. Advantageously, the service delivered is provided with minimum delay by enabling the service supplier responding to the call to immediately commence preparing for the delivery of the service without having to, e.g., return to base. As such, the geographic location of the client is relayed to a delivery vehicle in a manner which reduces delivery time, minimizes data entry and maximizes privacy as well as user-friendliness for the client, which, e.g., may be a handicapped, elderly, disabled person or a person in need of emergency aid.

For purposes of illustration, the subject matter of the claims will be described with reference to certain Figures and corresponding text of Appellants' Specification (hereinafter, "Spec."), for example, but nothing herein shall be deemed as a limitation on the scope of the invention. For each Claim listed below, the claim elements are presented in italicized text, and are followed by citation to exemplary figures and/or supporting text in Appellants' Spec.

Claim 1 recites:

A method for providing a service to a client [See, e.g., FIG. 3 and Spec. page 1, lines 10-15] , comprising the steps of:

correlating [(310), (320)] a pin number of the client to precise terrestrial coordinates

corresponding to a cross-referenced postal address for said client [See generally, Spec. page 13, lines 1-19; page 17, lines 20-30];

identifying [(325)] a delivery vehicle nearest to the terrestrial coordinates of the client [See generally, FIG. 3 and Spec. page 13 ,lines 20-21];

obtaining [(335)] information relative to an individualized service to be provided to the client [See generally, FIG. 3 and Spec. page 13, lines 36-42];

preparing [(350)] for the service according to the information [See generally, FIG. 3 and Spec. page 13, lines 45-52]; and

providing [(370)] said individualized service to said client by said vehicle nearest to the client at said terrestrial coordinates based on said correlating and said information [See generally, FIG. 3 and Spec. page 14, lines 10-21].

Claim 2 recites:

The method as recited in claim 1, wherein the step of correlating includes providing a first database [(260); See Spec. page 11, lines 20-40 and page 13, lines 10-16] having said client pin number, postal address and said terrestrial coordinates for each of said clients, and providing a second data base [(270) and see FIG. 2] having said information relative to said individualized service to be delivered to each of said plurality of clients [See Spec. page 13, lines 40-50].

Claim 10 recites:

A method comprising:

delivering a service to a handicapped person at a postal address [See Spec. page 5, lines 49–52 and page 7, lines 25-50], the method including the steps of:

creating a first database [(260); See Spec. page 11, lines 20-40 and page 13, lines 10-16] for correlating a pin number of the handicapped person to terrestrial coordinates corresponding precisely to said postal address for each handicapped person of a plurality of handicapped persons [See generally FIG. 3 and Spec. page 7, lines 25-50];

creating a second database [(270) and see FIG. 2] for storing details pertaining to said service applicable to said handicapped person to be delivered at said postal address [See Spec.

page 13, lines 40-50];

identifying [(325)] a vehicle nearest to the terrestrial coordinates of each handicapped person [See generally, FIG. 3 and Spec. page 13 ,lines 20-21];

preparing [(350)] for the service in advance for each handicapped person according to the applicable details [See generally, FIG. 3 and Spec. page 13, lines 45-52]; and

providing [(370)] said service to said handicapped person by said vehicle nearest to each handicapped person based on said cross-referenced location and on said applicable details retrieved from said second database [See generally, FIG. 3 and Spec. page 14, lines 10-21].

Claim 14 recites:

A system for providing a service to an addressee at a postal address [See Spec. page 9, lines 19-35] comprising:

a first database [(260)] for correlating a pin number of the addressee to terrestrial coordinates precisely corresponding to said postal address for each addressee forming a cross-referenced location for at least one of a plurality of addressees [See generally FIG. 3 and Spec. page 7, lines 25-50];

a second database [(270)] for storing selected information relative to said plurality of addressees [See Spec. page 9, lines 25-30 and page 13, lines 40-50];

means for identifying [(325)] a delivery vehicle nearest to the terrestrial coordinates of the addressee [See generally, FIG. 3 and Spec. page 13, lines 20-21]; and

means for providing [370)] said service to at least one of said addressees by the delivery vehicle nearest to each addressee based on said cross-referenced location and said selected information retrieved from said second database. [See generally, FIG. 3 and Spec. page 14, lines 10-21].

Claim 22 recites:

A system for delivering at least one postal service to at least one service requester from a plurality of service requesters, each service requester being at a known postal address, the system comprising [See Spec. page 9, lines 19-35]:

a cross-referencing module [See Spec., page 9, lines 19-35] for correlating a pin number of a service requestor to terrestrial coordinates precisely corresponding to said postal address [See generally FIG. 3 and Spec. page 7, lines 25-50], and forming a cross-referenced location for said at least one service requester;

a database [(260)] for storing information pertaining to said at least one postal service applicable to each of said plurality of service requesters to be delivered at said known postal address [See generally FIG. 3 and Spec. page 7, lines 25-50]; and

a service provider module [(325)] for identifying a vehicle nearest to the terrestrial coordinates of the service requester and providing said service [(370)] based on said selected information retrieved from said second database at said cross-referenced location.

Claim 26 recites:

An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for causing delivery of a service, the computer readable program code means in said article of manufacture further comprising computer readable program code means for causing a computer to effect the steps of [See Spec. page 10, lines 1-10]:

correlating [(310), (320)] a pin number of a client to precise terrestrial coordinates corresponding to a cross-referenced postal address for each client [See generally, Spec. page 13, lines 1-19; page 17, lines 20-30];

identifying [(325)] a delivery module nearest to the terrestrial coordinates of each client [See generally, FIG. 3 and Spec. page 13 ,lines 20-21];

obtaining [(335)] information relative to an individualized service to be provided to at least one of said plurality of clients [See generally, FIG. 3 and Spec. page 13, lines 36-42]; and

providing [(370)] said individualized service to said at least one client by the delivery module nearest to each client based on said cross-referencing and said information [See generally, FIG. 3 and Spec. page 14, lines 10-21].

Claim 27 recites:

A computer program product comprising a computer usable medium having computer readable

program code means embodied therein for causing a delivery of a service, the computer readable program code means in said computer program product comprising computer readable program code means for causing a computer to effect [See Spec. 10, lines 12-22]:

correlating [(310), (320)] a pin number of a client from a plurality of clients to precise terrestrial coordinates corresponding to a cross-referenced postal address for each client [See generally, Spec. page 13, lines 1-19; page 17, lines 20-30];

identifying [(325)] a delivery module nearest to the terrestrial coordinates of each client [See generally, FIG. 3 and Spec. page 13, lines 20-21];

obtaining [(335)] information relative to an individualized service to be provided to at least one of said plurality of clients [See generally, FIG. 3 and Spec. page 13, lines 36-42];
and

providing [(370)] said individualized service to said at least one client by the delivery module nearest to each client based on said cross-referencing and said information [See generally, FIG. 3 and Spec. page 14, lines 10-21].

Claim 28 recites:

A business method [See Spec. page 5, line 1 to page 2, line 20] comprising the steps of:

having a business provide a plurality of services to a plurality of clients [See Spec. page 5, line 1 to page 2, line 20];

correlating [(310), (320)] a pin number of a client to precise terrestrial coordinates corresponding to a cross-referenced postal address of said client [See generally, Spec. page 13, lines 1-19; page 17, lines 20-30];

identifying [(325)] a delivery module nearest to the terrestrial coordinates of each client [See generally, FIG. 3 and Spec. page 13, lines 20-21];

obtaining [(335)] information relative to an individualized service to be provided to at least one client from said plurality of clients [See generally, FIG. 3 and Spec. page 13, lines 36-42]; and

providing [(370)] said individualized service to said at least one client by the delivery module nearest to each client based on said coordinates and said information [See generally,

FIG. 3 and Spec. page 14, lines 10-21].

Claim 29 recites:

The method as recited in claim 28, wherein the step of cross-referencing includes using a first database [260]; See Spec. page 11, lines 20-40 and page 13, lines 10-16] having said postal address and said terrestrial coordinates for each of said clients, and the step of obtaining includes using a second data base [(270) and see FIG. 2] having said information relative to said individualized service to be delivered to each of said plurality of clients.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-7, 14-18, 22-24, 26-31 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Peapod.com in view of Novik (U.S. Patent No. 6,339,745)

B. Claims 10-13 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Peapod.com in view of Novik (U.S. Patent No. 6,339,745) and further in view of Behnke (U.S. Patent No. 4,360,875)

VII. ARGUMENTS

A. The Combination of Peapod.com and Novik is Legally Deficient To Support a *Prima Facie* Case of Obviousness Against Claims 1, 2, 14, 22, 26, 27, 28 and 29

Appellants respectfully submit that the combination of Peapod.com and Novik is legally deficient to support a *prima facie* case of obviousness against the subject matter of at least claims 1, 2, 14, 22, 26, 27, 28, 29. For purposes of this Appeal, Appellant submits that at the very least, the subject matter of independent claims 1, 10, 14, 22, 26, 27, 28 is patentable and non-obvious in view of the combined teachings of Peapod.com and Novik.

In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). It is well established that a *prima facie* showing of obviousness requires, in general, a two part analysis – starting with a claim interpretation analysis to determine the scope and substance of the subject matter being claimed, followed by an obvious analysis to determine whether the claimed subject matter (as interpreted) is obvious in view of the prior art. Once the claims have been properly constructed, the Examiner has the burden of establishing a *prima facie* case of obviousness.

A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993). The burden of presenting a *prima facie* case of obviousness is only satisfied by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fine*, 837 F.2d 1071, 1074 (Fed. Cir. 1988). The test for obviousness is what the combined teachings of the applied prior art references would have suggested to one of ordinary skill in the art. *In re Keller*, 642 F.2d 413, 435; 208 U.S.P.Q. 871, 881 (CCPA 1981). The suggestion to combine the references should come from the prior art, and the Examiner cannot use hindsight gleaned from the invention itself to pick and choose among related prior art references to arrive at the claimed invention. *In re Fine*, 837 F.2d at 1075. If the Examiner fails to establish a *prima facie* case, the rejection is improper and must be overturned. *In re Rijckaert*, 9 F.3d at 1532 (citing *In re Fine*, 837 F.2d at 1074).

Appellants respectfully submit that at the very least the obviousness rejection of claims 1, 2, 14, 22, and 26-29 as set forth in paragraph 4 (pages 3-14) of the Final Action is based, primarily, on erroneous characterizations, assumptions and misinterpretations of the teachings of the cited references, in particular, Peapod.com and Novik, as applied to many of the features of claims 1, 2, 14, 22, and 26-29. In particular, the Examiner relies primarily on mischaracterizations and strained interpretations of the teachings of Peapod.com as modified by Novik to improperly reconstruct various features of the subject matter recited in claims 1, 2, 14, 22, and 26-29. The prior art teachings of Peapod.com and Novik relied on by the Examiner are summarized as follows.

Peapod.com

In formulating the rejection of claims 1, 2, 14, 22, and 26-29, the Examiner relies primarily on the teachings of Peapod.com, which consisted of a webpage printout which was stated as being dated November 13, 1996 (referred to herein as Reference A), and an article by Walsh entitled "Survey-Mastering Information Management" from Financial Times dated March 15, 1999 (referred to herein as Reference B).

Reference A discloses an online grocery shopping and delivery service in which users may order grocery items via computer by entering a screen ID and password, which gives the user access to an online grocery store, in which the user may click on items desired to be purchased. When the user is finished shopping, (s)he may review the order and then click "Send Order," at which time the user chooses a delivery time slot, during which the order is delivered to the user's home. To complete the order, the user must make a payment for the order (via check,

charge or Peapod Electronic Payment.) The remainder of Reference A discusses general aspects of the Peapod online grocery service, such as membership benefits, delivery areas, fees, references from customers, etc. (see, **page 2, sections 1-3; page 2, section 3; page 5, sections 1-2; page 6, 7 and 9**).

Reference B is a news article mentioning in part, a brief summary of the online supermarket services and services of Peapod.com. It mentions that a list of previous purchases is kept on the site, so the customer can make minor changes from week to week, and wherein a database is created on each shopper that includes their purchase history and their online shopping patterns (see **page 2, section 1**).

Novik

In formulating the rejection of claims 1, 2, 14, 22, and 26-29, the Examiner further relies on the teaching of Novik as allegedly teaching “precise terrestrial coordinates corresponding to a postal address and identifying a delivery vehicle nearest to the terrestrial coordinates of the client” (Col. 2, lines 25-26 and 39-45; Col. 3, lines 5-25; Col. 4, lines 20-36; Col. 5, lines 30-45; Col. 9, lines 20-45; Col. 10, lines 15-25 and 59-65) “wherein exact addresses and coordinates are displayed on maps and where delivery vehicles are tracked” (see Col. 11, lines 15-25 and 50-52; Col. 12, lines 5-25 and Col. 13, lines 4-15).

1) Claim 1 is not obvious in view of Peapod.com and/or Novik:

In view of the clear teachings outlined above, Appellants respectfully submit that the combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of independent claim 1, which essentially recites, *inter alia*:

*“...correlating a pin number of the client to precise terrestrial coordinates corresponding to a cross-referenced postal address for said client;
identifying a delivery vehicle nearest to the terrestrial coordinates of the client;
obtaining information relative to an individualized service to be provided to the client;
preparing for the service according to the information; and
providing said individualized service to said client by said vehicle nearest to the client at said terrestrial coordinates based on said correlating and said information.”*

In formulating the rejection of claims 1, 2, 14, 22, 26-29, the Examiner relied on Peapod.com as teaching the above cited claim features except the Examiner admitted on page 5 of the Final Action that Peapod.com did not expressly disclose precise terrestrial coordinates corresponding to said postal address being correlated to a pin number of the client, and further did not expressly disclose identifying a delivery vehicle nearest to the terrestrial coordinates of the client. However, on page 5 of the Final Action, the Examiner contends that Novik cures the deficiencies of Peapod.com, stating:

Novik discloses precise terrestrial coordinates corresponding to a postal address and identifying a delivery vehicle nearest to the terrestrial coordinates of the client (Col. 2, lines 25-26 and 39-45; Col. 3, lines 5-25; Col. 4, lines 20-36; Col. 5, lines 30-45; Col. 9, lines 20-45; Col. 10, lines 15-25 and 59-65) wherein exact addresses and coordinates are displayed on maps and where delivery vehicles are tracked (see Col. 11, lines 15-25 and 50-52; Col. 12, lines 5-25 and Col. 13, lines 4-15).

The Examiner’s reliance on Peapod.com and Novik in this regard is clearly misplaced. Peapod.com involves a grocery home delivery service in which a user must select desired items to buy and then must select a delivery time during which the grocery items are desired to be

delivered to the user's home. Clearly, the user must make selections on a website, and upon completion of the order, the user must manually select a desired future window of time in which delivery of the order is desired. (Peapod.com states on page 5, section 1 that delivery times are available six days a week). First, in Peapod.com only when a delivery time is provided is the order processed to be sent out for delivery and thereafter received by the user at the user-designated future date and time. The actual delivery personnel (e.g., a delivery vehicle) clearly cannot be identified or determined until AFTER the order is placed and a delivery date and time set.

Secondly, while Reference B of Peapod.com arguably mentions wherein a list of previous purchases is kept on the site and a database is created on each shopper that includes their purchase history, this falls short of teaching or suggesting at least using a first database having said postal address and said terrestrial coordinates for each of said clients, and using a second data base having said information relative to said individualized service to be delivered to each of said plurality of clients.

And of course, Peapod.com fails to disclose or suggest at least precise terrestrial coordinates corresponding to said postal address being correlated to a pin number of the client, and identifying a delivery vehicle nearest to the terrestrial coordinates of the client, as acknowledged by the Examiner in the Final Action.

In complete contrast, the present invention provides a real-time customized order preparation and delivery service in which: 1) an entered pin number of a client is automatically correlated to precise terrestrial coordinates corresponding to a postal address of the client, 2) a delivery vehicle (the *actual supplier* of the goods/services) which is nearest to the terrestrial

coordinates of the client is identified, 3) the user is NOT required to specify a delivery time in order to receive the customized order – instead, the closest identified vehicle to the client’s address is automatically designated to go to the client’s location and provide the individualized service, and 4) the actual supplier of the service/goods has available at the earliest possible time an exact description of the service to be provided, which enables real-time preparation of the services. See Spec. page 12, lines 25-45 and page 13, lines 1-52. Accordingly, each postal address can be assigned terrestrial coordinates that precisely refer to the location of the address. This feature is commensurate with the present invention’s objective of speed and accuracy for facilitating arrival of an appropriate delivery vehicle to a particular location quickly and in real-time to perform individualized services.

In fact, Peapod.com unequivocally teaches away from the present invention, in that its protocol clearly requires that a user must specify a future desired delivery date and time in order to receive the selected goods. Peapod.com is not equipped for real-time delivery of customized orders. It is obvious in Peapod.com that set delivery routes are predetermined upon a compilation of several received orders from within certain geographical areas, and there is no provision for shoppers to receive orders from delivery vehicles which have been identified as being nearest to their location.

Novik falls blatantly short of curing the significant deficiencies of Peapod.com. Novik teaches a system for tracking, monitoring and displaying the positions of vehicles in a fleet from a base station for the purpose of allowing a user to manage fleet operations for maintaining fleet safety and security. While GPS technology is arguably utilized and generally mentioned in Novik, such position-determining technology is merely used to record the GPS information for

each vehicle and communicate the GPS information to a base station for tracking purposes. (See e.g., Col. 4, lines 19-54). Search functions taught in Novik involve wherein a user enters a location and a map is generated. (See Col. 10, lines 15-25 and FIG. 11). The user in Novik is able to find a location based on geographically-related information such as a street address, city, state, latitude, longitude. In other words, the user enters search terms (e.g., an address, latitude and longitude, etc.) and a corresponding map is provided showing the location.

The Final Action is replete with a series of generic and vague allegations, which seem to imply that the claimed elements of the present invention are either shown or obvious, such as on page 17 of the Final Action:

Further, Peapod.com discloses providing a person home delivery service on items such as those from the grocery or drugstore. Novik discloses providing services such as delivery services, ambulances, taxis, etc. Behnke specifically discloses the need of handicapped persons for door-to-door service.

In this regard, the Examiner's finding that Peapod.com and/or Novik disclose or suggest at least *correlating a pin number of the client to precise terrestrial coordinates corresponding to a cross-referenced postal address for said client, identifying a delivery vehicle nearest to the terrestrial coordinates of the client, obtaining information relative to an individualized service to be provided, preparing for the service according to the information, and providing the individualized service by said nearest vehicle* is simply not supported by factually and legally sound reasoning. Fundamentally, the Examiner fails to address or otherwise explain how a home delivery service for delivering items during predetermined delivery time windows (as in Peapod.com) and a fleet tracking service (as per Novik) discloses or suggests the presently claimed elements.

There is simply no disclosure or suggestion in Novik of at least correlating a client pin number to terrestrial coordinates corresponding to a cross-referenced postal address of the client. Novik merely discloses wherein a user may be able to track a vehicle, determine their location and positioning, and be informed as to the vehicle's whereabouts during use of the vehicle. In fact, while Novik may arguably disclose the general ability to 'find a closest vehicle' (**noting the Examiner's citing of Col. 13, lines 5-15**) there is no mention of identifying a vehicle nearest the terrestrial coordinates of a client, much less providing individualized service to the client by said nearest vehicle based on correlating a pin number to corresponding terrestrial coordinates, and obtaining information relative to an individualized service. In fact **Col. 13, lines 5-15** of Novik recites:

The present invention also comprises a function to find the closest vehicle. If an event occurs, such as a delivery or pick-up, or a request for a taxi or an ambulance to name but a few examples, the address of the event is displayed on the map. When the dispatcher selects the find closest vehicle function, whatever vehicles in the fleet are closest to the event are highlighted on the screen with a flashing indicator or icon. The user selects the "send mission" option which automatically sends the street address of the event to the closest vehicle. The tracking of the selected vehicle is automatically integrated, and the user receives notice that the closest vehicle has arrived on the scene.

Thus, it is readily apparent that in Novik, vehicle locations are simply determined and tracked, with vehicles being dispatched based on their location alone, and there is no provision, disclosure, suggestion, need or capability for any delivery of real-time customized services whatsoever.

Indeed, the Examiner has seemed to note that the term "real-time" appears in Novik. However, while the term "real-time" is generally mentioned in Novik, the context in which it is

used refers to real time tracking of a vehicle (again, the emphasis in Novik being simply to track vehicle locations), not real-time preparation of an individualized service, as in the present invention. (See Spec. page 12 ,lines 25-45).

Thus, for at least the above reasons, the Examiner's reliance on Peapod.com and Novik as teaching at least *correlating a pin number of the client to precise terrestrial coordinates corresponding to a cross-referenced postal address for said client, identifying a delivery vehicle nearest to the terrestrial coordinates of the client, obtaining information relative to an individualized service to be provided, preparing for the service according to the information, and providing the individualized service by said nearest vehicle* is wholly misplaced, and based on conjecture and surmise in an effort to fit the disparate teachings of Peapod.com and/or Novik to the claimed invention.

2) Claim 2 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach or suggest the subject matter of at least dependent claim 2 which recites, *inter alia*:

"...wherein the step of co-relating includes providing a first database having said client pin number, postal address and said terrestrial coordinates for each of said clients, and providing a second data base having said information relative to said individualized service to be delivered to each of said plurality of clients."

The Examiner alleges on pages 6 and 7 of the Final Action that the database mentioned in Peapod.com discloses the elements of claim 2. However, the cited portions of Peapod.com fail to disclose or suggest *wherein the step of co-relating includes providing a first database having said client pin number, postal address and said terrestrial coordinates for each of said clients, and providing a second data base having said information relative to said individualized service*

to be delivered to each of said plurality of clients. Rather, Reference A, page 6 simply refers to a search capability for users to see if they fall within a service area. **See Reference A, page 6, section 1**, which states: “Enter your 5-digit zip code below and click on SEARCH to see if you are in a service area.” **Reference B, section 1** describes: “Peapod creates a database on each shopper that includes their purchase history (what they bought), their online shopping patterns (how they bought it), questionnaires about their attitudes and opinions, and demographic data (which Peapod buys from third parties).” Peapod.com is entirely silent on providing a first database or any database having stored terrestrial coordinates for each client; indeed, it has no need or use for such data, since delivery (and assessment of a delivery service area) is simply determined based on a shopper’s address and zip code.

Moreover, there is no teaching or suggestion in Novik of at least *wherein the step of co-relating includes providing a first database having said client pin number, postal address and said terrestrial coordinates for each of said clients, and providing a second data base having said information relative to said individualized service to be delivered to each of said plurality of clients.* Novik is a system and method for determining and tracking vehicle locations, wherein vehicles are selected and dispatched based on virtue of their location alone (i.e., their proximity to an event). There is no provision, disclosure, suggestion or capability for any delivery of real-time *customized* services whatsoever by the vehicle. As such, Novik is completely silent with respect to a first or any database having a client pin number, postal address and terrestrial coordinates, or a second database having information relative to a customized service to be delivered. While Novik mentions the term “databases” in its disclosure, its description of such

term does not disclose, suggest or relate to the first and second database as presently claimed.

See Novik, Col. 5, lines 38-44, reciting:

The update software not only tracks and displays the vehicles being tracked but also provides text data about the fleet, vehicles, drivers, permits and other relevant information. The text data is stored in databases. The databases contain information on vehicles, drivers, permits, scheduling, tasks, and messages sent to and from the vehicles.

3) Claim 14 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of independent claim 14, which essentially recites, *inter alia*:

*"...a first database for correlating a pin number of the addressee to terrestrial coordinates precisely corresponding to said postal address for each addressee forming a cross-referenced location for at least one of a plurality of addressees;
a second database for storing selected information relative to said plurality of addressees;
means for identifying a delivery vehicle nearest to the terrestrial coordinates of the addressee; and
means for providing said service to at least one of said addressees by the delivery vehicle nearest to each addressee based on said cross-referenced location and said selected information retrieved from said second database."*

Claim 14 includes similar elements to independent claim 1 as well as dependent claim 2. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claims 1 and 2 above. Therefore, it is asserted that the obviousness rejection of claim 14 is invalid at least for the same reasons given above for claims 1 and 2.

4) Claim 22 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of independent claim 22, which essentially recites, *inter alia*:

"...a cross-referencing module for correlating a pin number of a service requestor to terrestrial coordinates precisely corresponding to said postal address, and forming a cross-referenced location for said at least one service requester;

a database for storing information pertaining to said at least one postal service applicable to each of said plurality of service requesters to be delivered at said known postal address; and

a service provider module for identifying a vehicle nearest to the terrestrial coordinates of the service requester and providing said service based on said selected information retrieved from said second database at said cross-referenced location.

Claim 22 includes similar elements to independent claim 1 as well as dependent claim 2.

A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claims 1 and 2 above. Therefore, it is asserted that the obviousness rejection of claim 22 is invalid at least for the same reasons given above for claims 1 and 2.

5) Claim 26 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of independent claim 26, which essentially recites, *inter alia*:

"...correlating a pin number of a client to precise terrestrial coordinates corresponding to a cross-referenced postal address for each client;

identifying a delivery module nearest to the terrestrial coordinates of each client;

obtaining information relative to an individualized service to be provided to at least one of said plurality of clients; and

providing said individualized service to said at least one client by the delivery module nearest to each client based on said cross-referencing and said information."

Claim 26 includes similar elements to independent claim 1. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claim 1 above. Therefore, it is asserted that the obviousness rejection of claim 26 is invalid at least for the same reasons given above for claim 1.

6) Claim 27 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of independent claim 27, which essentially recites, *inter alia*:

*"...correlating a pin number of a client from a plurality of clients-to precise terrestrial coordinates corresponding to a cross-referenced postal address for each client;
identifying a delivery module nearest to the terrestrial coordinates of each client;
obtaining information relative to an individualized service to be provided to at least one of said plurality of clients; and
providing said individualized service to said at least one client by the delivery module nearest to each client based on said cross-referencing and said information."*

Claim 27 includes similar elements to independent claim 1. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claim 1 above. Therefore, it is asserted that the obviousness rejection of claim 27 is invalid at least for the same reasons given above for claim 1.

7) Claim 28 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of independent claim 28, which essentially recites, *inter alia*:

*"...correlating a pin number of a client to precise terrestrial coordinates corresponding to a cross-referenced postal address of said client;
identifying a delivery module nearest to the terrestrial coordinates of each client;
obtaining information relative to an individualized service to be provided to at least one client from said plurality of clients; and
providing said individualized service to said at least one client by the delivery module nearest to each client based on said coordinates and said information."*

Claim 28 includes similar elements to independent claim 1. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claim 1 above. Therefore, it is asserted that the obviousness rejection of claim 28 is invalid at least for the same reasons given above for claim 1.

8) Claim 29 is not obvious in view of Peapod.com and/or Novik

The combination of Peapod.com and Novik does not fairly teach, suggest or render obvious the subject matter of dependent claim 29, which essentially recites, *inter alia*:

"...wherein the step of cross-referencing includes using a first database having said postal address and said terrestrial coordinates for each of said clients, and the step of obtaining includes using a second data base having said information relative to said individualized service to be delivered to each of said plurality of clients."

Claim 29 includes similar elements to independent claim 1 as well as dependent claim 2. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claims 1 and 2 above. Therefore, it is asserted that the obviousness rejection of claim 29 is invalid at least for the same reasons given above for claims 1 and 2.

B. The Combination of Peapod.com, Novik and Behnke is Legally Deficient To Support a *Prima Facie* Case of Obviousness Against Claim 10

Appellants respectfully submit that the obviousness rejection of claims 10-13 and 25 as set forth in paragraph 5 (pages 14-20) of the Final Action is based, primarily, on erroneous characterizations, assumptions and misinterpretations of the teachings of the cited references, in

particular, Peapod.com, Novik and/or Behnke, as applied to many of the features of claims 10-13 and 25. In particular, the Examiner relies primarily on mischaracterizations and strained interpretations of the teachings of Peapod.com and Novik as modified by Behnke to improperly reconstruct various features of the subject matter recited in claims 10-13 and 25. The prior art teachings of Peapod.com and Novik relied on by the Examiner were summarized above; the prior art teaching of Behnke is summarized as follows:

Behnke:

Behnke is cited by the Examiner here as allegedly disclosing first and second storage units and handicapped persons needing door-to-door services. In formulating the obviousness rejection of claims 10-13 and 25 the Examiner states on page 16 of the Final Action that:

Behnke discloses first and second storage units (see Col. 5, lines 55-65, Col. 7, lines 5-20, Col. 9, lines 25-40, wherein each terminal and central system has separate data storage) and handicapped persons needing door-to-door services (see Col. 1, lines 30-45). However, Behnke does not expressly disclose that the client identifier is a pin number.

1) Claim 10 is not obvious in view of Peapod.com, Novik and/or Behnke

The combination of Peapod.com, Novik and/or Behnke does not fairly teach, suggest or render obvious the subject matter of independent claim 10, which essentially recites, *inter alia*:

“... creating a first database for correlating a pin number of the handicapped person to terrestrial coordinates corresponding precisely to said postal address for each handicapped person of a plurality of handicapped persons;

creating a second database for storing details pertaining to said service applicable to said handicapped person to be delivered at said postal address;

identifying a vehicle nearest to the terrestrial coordinates of each handicapped person; preparing for the service in advance for each handicapped person according to the applicable details; and

providing said service to said handicapped person by said vehicle nearest to each handicapped person based on said cross-referenced location and on said applicable details

retrieved from said second database."

Claim 10 includes similar elements to independent claim 1 and dependent claim 2. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of such elements is provided above with reference to claims 1 and 2 above. Therefore, it is asserted that the obviousness rejection of claim 10 is invalid at least for the same reasons given above for claims 1 and 2.

With regards to claims 11-13, rather than provide a detailed explanation as to the impropriety of such rejection, it is asserted that this obviousness rejection is invalid at least for the same reasons given above for claim 10. Indeed, since claims 11-13 incorporate the elements of claim 10 by virtue of dependency, the rejections of claims 11-13 is legally deficient for at least the same reasons given above for claim 10. Indeed, these rejections are erroneously based on the Examiner's misplaced reliance on the teachings of Peapod.com and Novik as applied to claims 10, which deficiencies are seemingly not cured by Behnke.

With regards to claim 25, this claim depends from independent claim 22, and therefore incorporates the elements of claim 22 by virtue of its dependency thereof. As discussed above, claim 22 includes similar elements to independent claim 1 and dependent claim 2. A detailed explanation regarding the lack of disclosure or suggestion by Peapod.com in view of Novik of the elements is provided above with reference to claims 1 and 2. Therefore, it is asserted that the obviousness rejection of claim 25 is invalid at least for the same reasons given above for claim 22.

Furthermore, the Examiner in the Final Action alleges that Behnke discloses the first and second databases of claim 10, citing **Col. 5, lines 55-65** and states that Behnke discloses: "first

and second storage units ... wherein each terminal and central system has separate data storage.”

This is inaccurate and simply incorrect. The ‘storage units’ in Behnke relate to data storage units 24 which may be included in each terminal 10, 12 or 16, so as to relieve some of the data storage and processing requirements of the central coordinating computer. What is disclosed in Behnke is that each terminal (in which a rider/driver may enter information) may contain its *own* database, as opposed to the central station alone containing a database. This is not to be confused with creating a first database for correlating a pin number of a handicapped person to terrestrial coordinates corresponding to the postal address for the handicapped person, and creating/providing a second database for storing details pertaining to said service applicable to said handicapped person to be delivered at the postal address (which is referenced during the step of preparing for the service in advance for each handicapped person according to the applicable details).

Accordingly, for at least the above reasons, it is respectfully requested that the Board reverse all claim rejections under 35 U.S.C. §103.

Respectfully submitted,

/JJB/

James J. Bitetto
(Registration No. 40,513)

Mailing Address:

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 Crossways Park North, Suite 210
Woodbury, NY 11797
Tel: (516) 496-3868
Fax: (516) 496-3869

Claims Appendix

1. A method for providing a service to a client, comprising the steps of:
 - correlating a pin number of the client to precise terrestrial coordinates corresponding to a cross-referenced postal address for said client;
 - identifying a delivery vehicle nearest to the terrestrial coordinates of the client;
 - obtaining information relative to an individualized service to be provided to the client;
 - preparing for the service according to the information; and
 - providing said individualized service to said client by said vehicle nearest to the client at said terrestrial coordinates based on said correlating and said information.
2. The method as recited in claim 1, wherein the step of correlating includes providing a first database having said client pin number, postal address and said terrestrial coordinates for each of said clients, and providing a second data base having said information relative to said individualized service to be delivered to each of said plurality of clients.
3. The method as recited in claim 2, wherein said second database includes information selected from at least one of the group that includes: type of addressee, service requirements, special attention, type of occupant, mode of payment, previous postal addresses, previous terrestrial coordinates locations, forwarding postal address, forwarding terrestrial location, approved surrogates, company policies and reporting requirements.
4. The method as recited in claim 1, wherein said postal address and said terrestrial coordinates for each of said clients and said information relative to said individualized service to be delivered to each of said plurality of clients are stored in a common data base.
5. The method as in claim 1, further comprising the step of ascertaining the status of the delivery of said service.
6. The method as in claim 1, further comprising the step of notifying said at least one client when said individualized service is completed.

7. The method as in claim 1, further comprising notifying said at least one client of a planned delivery of said service.

8. (Withdrawn) A method for responding to a distress call initiated by an individual at an unrecognized postal location, the method comprising the steps of:

responsive to the distress call, having a monitoring station correlate from a first data base a geographic position address corresponding to the unrecognized postal address;

determining from the correlated address selected information stored in a second data base pertinent to the individual in distress;

transmitting to an emergency vehicle The selected information and the correlated geographic position address corresponding to the postal address; and

having the emergency vehicle deliver the service based on the correlated address and the selected information.

9. (Withdrawn) The method as in claim 8, wherein said information includes determining a prior medical history of the person in distress from the second data base, and responsive to the medical history providing an optimum response applicable to the person in distress.

10. A method comprising:

delivering a service to a handicapped person at a postal address, the method including the steps of:

creating a first database for correlating a pin number of the handicapped person to terrestrial coordinates corresponding precisely to said postal address for each handicapped person of a plurality of handicapped persons;

creating a second database for storing details pertaining to said service applicable to said handicapped person to be delivered at said postal address;

identifying a vehicle nearest to the terrestrial coordinates of each handicapped person;

preparing for the service in advance for each handicapped person according to the applicable details; and

providing said service to said handicapped person by said vehicle nearest to each

handicapped person based on said cross-referenced location and on said applicable details retrieved from said second database.

11. The method as in claim 10, wherein said service includes providing a rapid and timely delivery of medication to said handicapped person based on a list a renewal dates stored in said second data base.

12. The method as in claim 11, wherein said handicapped person initiates a call to confirm an order, wherein delivery is on its way as soon as confirmed by said handicapped person.

13. The method as in claim 10, wherein said service is selected from at least one of the group that includes: verifying whether said postal service is delivered at a correct location; determining a preferred delivery mode required by said handicapped person; notifying a sender of completion of said delivery; providing a specialized service according to the type of handicap of said handicapped person living at said postal address; forming a postal handicapped client registry; delivering said postal service at a location directed to an immobile person; and delivering of medication to the bed of a sick person.

14. A system for providing a service to an addressee at a postal address comprising:

- a first database for correlating a pin number of the addressee to terrestrial coordinates precisely corresponding to said postal address for each addressee forming a cross-referenced location for at least one of a plurality of addressees;

- a second database for storing selected information relative to said plurality of addressees;
- means for identifying a delivery vehicle nearest to the terrestrial coordinates of the addressee; and

- means for providing said service to at least one of said addressees by the delivery vehicle nearest to each addressee based on said cross-referenced location and said selected information retrieved from said second database.

15. The system as recited in claim 13, wherein said second database includes information

selected from at least one of the group that includes: special needs of the addressee, postal service requirements, mode of payment, previous postal addresses, previous terrestrial position locations, forwarding postal address, and forwarding terrestrial position location.

16. The system as in claim 14, further comprising means for ascertaining the status of the delivery of said service.

17. The system as in claim 14, further comprising means for notifying said at least one addressee or surrogate of said addressee of the completion of a particular delivery of said service.

18. The system as in claim 14, further comprising means for notifying said at least one addressee or surrogate of said addressee of a planned delivery of said service.

19. (Withdrawn) A system for responding to a service request call initiated by a service requester at an unrecognized postal location, the system comprising:

- a monitoring station for responding to the service call and for correlating from a first data base a geographic position address corresponding to the unrecognized postal address forming a correlated geographic position address;

- means for cross-referencing with said correlated address selected information stored in a second data base pertinent to said service requester;

- means for transmitting to a service supplier said selected information and said correlated geographic position address corresponding to said postal address; and

- delivery means for said service supplier to deliver said requested service based on said correlated address and said selected information.

20. (Withdrawn) The system as in claim 19, wherein said service requester is a person in distress, and said special information includes a prior medical history of said person in distress taken from said second data base and, wherein said delivery means uses the medical history in providing an optimum response applicable to said person in distress.

21. (Withdrawn) The system of claim 19, wherein said service requester is a business and said service request is for copies of a publication included in said delivery means.

22. A system for delivering at least one postal service to at least one service requester from a plurality of service requesters, each service requester being at a known postal address, the system comprising:

a cross-referencing module for correlating a pin number of a service requestor to terrestrial coordinates precisely corresponding to said postal address, and forming a cross-referenced location for said at least one service requester;

a database for storing information pertaining to said at least one postal service applicable to each of said plurality of service requesters to be delivered at said known postal address; and

a service provider module for identifying a vehicle nearest to the terrestrial coordinates of the service requester and providing said service based on said selected information retrieved from said second database at said cross-referenced location.

23. A system as in claim 22, wherein said at least one service requester is a handicapped person.

24. The system as in claim 23 wherein said handicapped person is blind or immobilized.

25. The system as in claim 22, wherein said postal service is selected from at least one of the group of services that includes: verification that the postal service is delivered at the correct location; a preferred delivery mode required by a handicapped person; notification to a sender of completion of said delivery; delivery of a specialized postal services according to a type of handicap of a handicapped person living at said postal address; formation of a postal client registry; delivery of said postal service at a location directed to a client companies service needs; and delivery of medication to the bed of a sick person.

26. An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for causing delivery of a service, the computer readable program code means in said article of manufacture further comprising computer readable program code

means for causing a computer to effect the steps of:

- correlating a pin number of a client to precise terrestrial coordinates corresponding to a cross-referenced postal address for each client;
- identifying a delivery module nearest to the terrestrial coordinates of each client;
- obtaining information relative to an individualized service to be provided to at least one of said plurality of clients; and
- providing said individualized service to said at least one client by the delivery module nearest to each client based on said cross-referencing and said information.

27. A computer program product comprising a computer usable medium having computer readable program code means embodied therein for causing a delivery of a service, the computer readable program code means in said computer program product comprising computer readable program code means for causing a computer to effect:

- correlating a pin number of a client from a plurality of clients-to precise terrestrial coordinates corresponding to a cross-referenced postal address for each client;
- identifying a delivery module nearest to the terrestrial coordinates of each client;
- obtaining information relative to an individualized service to be provided to at least one of said plurality of clients; and
- providing said individualized service to said at least one client by the delivery module nearest to each client based on said cross-referencing and said information.

28. A business method comprising the steps of:

- having a business provide a plurality of services to a plurality of clients;
- correlating a pin number of a client to precise terrestrial coordinates corresponding to a cross-referenced postal address of said client;
- identifying a delivery module nearest to the terrestrial coordinates of each client;
- obtaining information relative to an individualized service to be provided to at least one client from said plurality of clients; and
- providing said individualized service to said at least one client by the delivery module nearest to each client based on said coordinates and said information.

29. The method as recited in claim 28, wherein the step of cross-referencing includes using a first database having said postal address and said terrestrial coordinates for each of said clients, and the step of obtaining includes using a second data base having said information relative to said individualized service to be delivered to each of said plurality of clients.

30. The method as recited in claim 29, wherein said second database includes information selected from at least one of the group that includes: type of addressee, service requirements, special attention, client type, mode of payment, previous postal addresses, terrestrial coordinates of previous postal address, forwarding postal address, forwarding terrestrial location, approved surrogates, client company policies, financial tabulations, client account data and preferences, and client reporting requirements.

31. The method as recited in claim 28, wherein said client is a business and said service is selected from at least one of the group of services including: providing quick purchasing, providing pickups and deliveries, performing automated addressing and mailing services, and providing pickup and delivery of employees or customers from a first location to a second location.

32. (Withdrawn) A business method comprising the steps of:

- having a business' supplier provide a plurality of services to a plurality of service providing businesses;

- having said business' supplier train each of said service providing businesses in:

- employing a cross-referencing of a postal address for each client of each of said service providing businesses at a geographic location corresponding to said postal address;

- obtaining information relative to an individualized service to be provided to each of said clients; and

- providing said individualized service to each of said clients based on said geographical location and said information.

33. (Withdrawn) A business method as in claim 32, further comprising the steps of having said businesses supplier monitor, control or direct at least one of said plurality of service providing businesses.

34. An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for causing delivery of a service, the computer readable program code means in said article of manufacture further comprising computer readable program code means for causing a computer to effect the steps of claim 28.

35. (Withdrawn) An article of manufacture comprising a computer usable medium having computer readable code means embodied therein for causing delivery of a service, the computer readable program code means in said article of manufacture further comprising computer readable program code means for causing a computer to effect the steps of claim 32.

Evidence Appendix

There is no evidence submitted pursuant to 37 CFR §§ 1.130, 1.131 or 1.132 or any other evidence entered by the examiner and relied upon by appellant in this Appeal.

Related Proceedings Appendix

None.